

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROBERT GRAY,)	
)	Civil Action No. 05-11445 DPW
Plaintiff,)	
)	
v.)	
)	
TRANSPORTATION SECURITY)	
ADMINISTRATION; EDMUND S. HAWLEY ¹ ,)	
in his capacity as ASSISTANT SECRETARY)	
FOR HOMELAND SECURITY,)	
TRANSPORTATION SECURITY)	
ADMINISTRATION, DEPARTMENT OF)	
HOMELAND SECURITY; DEPARTMENT OF)	
HOMELAND SECURITY; and MICHAEL)	
CHERTOFF, in his capacity as SECRETARY)	
OF THE DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT

Pursuant to this Court's Electronic Order dated September 21, 2005, the parties hereby provide this Court with notice regarding the status of proceedings in the United States Court of Appeals for the First Circuit.

On October 26, 2005, petitioner filed an assented-to motion to stay appellate proceedings on the ground that he was engaged in active efforts to reach an informal resolution of the claims that he has asserted against the Government.

On October 27, 2005, the First Circuit granted the motion to stay appellate proceedings and removed the case from the December 5, 2005 oral argument calendar. The First Circuit ordered the

¹ Pursuant to Fed. R. Civ. P. 25(d)(1), Edmund S. Hawley is automatically substituted for his predecessor, James Loy, as Assistant Secretary for Homeland Security, Transportation Security Administration, Department of Homeland Security. .

parties to promptly notify the court in the event that the matter is resolved, in which case the petitioner was instructed to file a motion to withdraw the petition. The First Circuit further ordered that, in the event that the matter is not resolved on or before November 28, 2005, the parties shall file a status report on that date and at thirty day intervals thereafter.

The parties are continuing to discuss whether this case can be informally resolved at this time.

Respectfully submitted,

ROBERT GRAY,
By his attorneys,

TRANSPORTATION SECURITY
ADMINISTRATION, et al.,

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Dated: November 21, 2005